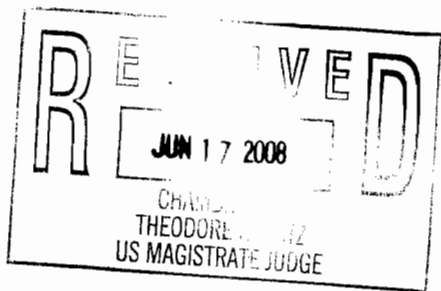


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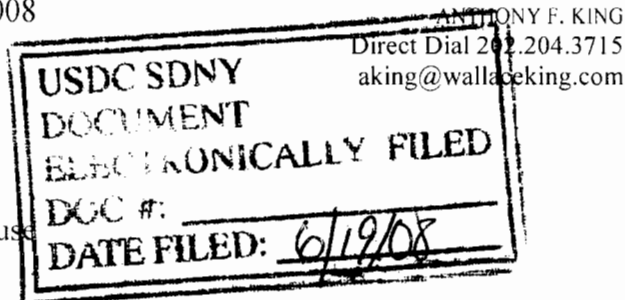


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June 16, 2008

Via Hand Delivery

Hon. Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007-1312



Re: IFC v. Korat Waste to Energy Co. Ltd. (07 Civ. 5451 (SHS))

Dear Judge Katz:

I write on behalf of Defendant Korat Waste to Energy Co., Ltd. ("KWTE") to request that the Court adjourn the parties' deadline for the completion of discovery in this matter. According to this Court's Endorsed Letter, docketed on April 4, 2008 (Dkt. No. 28), the current deadline is July 15, 2008. KWTE requests that the July 15 deadline be adjourned to October 15, 2008.

The parties have exchanged document productions, interrogatory responses and responses to requests to admit. KWTE has raised a number of issues regarding the sufficiency of IFC's discovery responses which are now before your Honor. In addition, as set forth in the parties' June 4, 2008 joint letter, other discovery issues before your Honor include whether four witnesses based in Bangkok and London will be compelled to appear in the United States for deposition and whether IFC's beneficiaries on whose behalf this suit is being brought will be subject to discovery, and whether IFC's confidentiality designations are appropriate or must be redone.

The parties have scheduled extensive and expensive discovery from July 1-11, including nine depositions. The depositions include two 30(b)(6) depositions that may comprise multiple days. Combined with the unresolved issues regarding the Bangkok and London depositions; the IFC beneficiary deposition, and the need to resolve the other substantial discovery issues before your Honor, the current July 15 deadline is unworkable.

Moreover, the discovery already scheduled may be rendered moot by the June 30 conference. The Court has made clear that the parties are expected to discuss settlement of this matter in good faith, and to have in attendance representatives of each party with settlement authority. The Court will note that the first of the scheduled depositions is to begin the day after the settlement conference. The parties must expend substantial resources now and through June 30 to prepare for this discovery despite the possibility the events on the 30th might render that effort moot.

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KWTE recognizes that there are important differences between the parties, and that it is difficult to predict in advance whether a settlement conference will lead to a settlement. But KWTE is committed to approaching the June 30th settlement conference in good faith, and presumes that IFC will do so as well. Given the pendency of the settlement conference, the ends of justice are best served if the parties and the Court are able to focus their attention over the next two weeks on settlement issues instead of discovery.

Pursuant to Your Honor's Individual Practices: (1) the original deadline for the completion of fact discovery was February 29, 2008; (2) there have been three previous requests for adjournment of this deadline; (3) one was granted in part, and two were granted in full; and (4) IFC objected to this request, stating the following in a June 16, 2008 e-mail to KWTE's counsel:

Regarding discovery, IFC will not agree to adjourn any discovery set for July, although I will discuss this further with my client when I return to D.C. in a couple days. I expect we will not be opposed to extending the July 15 deadline itself to take some pressure off the judge, but we need to make substantial progress before then. Sorry this can't be more convenient for us, but there have been no signs this case will settle and we really need to move it forward. So you should expect the discovery schedule we have set to remain firm.

By e-mail later on July 16, counsel for IFC acknowledged that this response constituted an opposition to KWTE's letter.

Respectfully submitted,

A.F. King (own)

Anthony F. King

cc: Francis A. Vasquez, Jr., Esq. (via electronic mail)
Thomas M. Keane, Esq.

The scheduled depositions should proceed. The discovery deadline is extended to September 30, 2008.

SO ORDERED

6/19/08

Theodore H. Katz
THEODORE H. KATZ

UNITED STATES MAGISTRATE JUDGE